

11076592

FORM B1

United States Bankruptcy Court
WESTERN District of NEW YORK

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle):

Rosario, Eliezer D.

Name of Joint Debtor (Spouse)(Last, First, Middle):

All Other Names used by the Debtor in the last 6 years
(include married, maiden, and trade names):**NONE**All Other Names used by the Joint Debtor in the last 6 years
(include married, maiden, and trade names):Last four digits of Soc. Sec. No./Complete EIN or other Tax I.D. No.
(if more than one, state all): **4368**Last four digits of Soc. Sec. No./Complete EIN or other Tax I.D. No.
(if more than one, state all):

Street Address of Debtor (No. & Street, City, State & Zip Code):

**295 Parkridge Ave.
Buffalo NY 14215**

Street Address of Joint Debtor (No. & Street, City, State & Zip Code):

County of Residence or of the
Principal Place of Business: **Erie**County of Residence or of the
Principal Place of Business:Mailing Address of Debtor (if different from street address):
SAME

Mailing Address of Joint Debtor (if different from street address):

Location of Principal Assets of Business Debtor
(if different from street address above): **NOT APPLICABLE****04-16911****Information Regarding the Debtor (Check the Applicable Boxes)****Venue** (Check any applicable box)

- ☒ Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.
- ☐ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.

Type of Debtor (Check all boxes that apply)

- ☒ Individual(s) ☐ Railroad
☐ Corporation ☐ Stockbroker
☐ Partnership ☐ Commodity Broker
☐ Other _____ ☐ Clearing Bank

**Chapter or Section of Bankruptcy Code Under Which
the Petition is Filed** (Check one box)

- ☐ Chapter 7 ☐ Chapter 11 ☒ Chapter 13
☐ Chapter 9 ☐ Chapter 12
☐ Sec. 304 - Case ancillary to foreign proceeding

Nature of Debts (Check one box)

- ☒ Consumer/Non-Business ☐ Business

Filing Fee (Check one box)

- ☒ Full Filing Fee attached
☐ Filing Fee to be paid in installments (Applicable to individuals only)
 Must attach signed application for the court's consideration
 certifying that the debtor is unable to pay fee except in installments.
 Rule 1006(b). See Official Form No. 3.

Chapter 11 Small Business (Check all boxes that apply)

- ☐ Debtor is a small business as defined in 11 U.S.C. § 101
☐ Debtor is and elects to be considered a small business under
 11 U.S.C. § 1121(e) (Optional)

Statistical/Administrative Information (Estimates only)

- ☒ Debtor estimates that funds will be available for distribution to unsecured creditors.
- ☐ Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.

THIS SPACE IS FOR COURT USE ONLY

Estimated Number of Creditors

1-15	16-49	50-99	100-199	200-999	1000-over
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Estimated Assets

\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Estimated Debts

\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

FILED
 2004 SEP 21 AM 8:51
 CLERK OF COURT
 DISTRICT COURT
 BUFFALO

Voluntary Petition

(This page must be completed and filed in every case)

Name of Debtor(s):

FORM B1, Page 2

Eliezer D. Rosario**Prior Bankruptcy Case Filed Within Last 6 Years (If more than one, attach additional sheet)**

Location Where Filed:

NONE

Case Number:

Date Filed:

Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor (If more than one, attach additional sheet)

Name of Debtor:

NONE

Case Number:

Date Filed:

District:

Relationship:

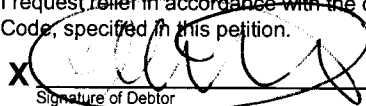
Judge:

Signatures**Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X 
Signature of Debtor**X** _____
Signature of Joint Debtor

Telephone Number (if not represented by attorney)

9-1-04

Date

Signature of Attorney**X** 
Signature of Attorney for Debtor(s)**Peter D. Grubea**

Printed Name of Attorney for Debtor(s)

Law Offices of Peter D. Grubea

Firm Name

69 Delaware Ave., Suite 1006

Address

Buffalo NY 14202**(716) 853-1366**

Telephone Number

Date

9/15/04**Signature of Debtor (Corporation/Partnership)**

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X _____
Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

Exhibit A

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under Chapter 11)

☐ Exhibit A is attached and made a part of this petition**Exhibit B**

(To be completed if debtor is an individual whose debts are primarily consumer debts)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that he or she may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter.

X 
Signature of Attorney for Debtor(s)

Date

Exhibit C

Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health and safety?

☐ Yes, and exhibit C is attached and made a part of this petition.
☒ No**Signature of Non-Attorney Petition Preparer**

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

Printed Name of Bankruptcy Petition Preparer

Social Security Number

Address

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

X _____
Signature of Bankruptcy Petition Preparer

Date

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. § 110; 18 U.S.C. § 156.

UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF NEW YORK

In re **Eliezer D. Rosario**Case No.
Chapter **13**

_____/ Debtor

SUMMARY OF SCHEDULES

Indicate as to each schedule whether that schedule is attached and state the number of pages on each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts from Schedules D, E and F to determine the total amount of the debtor's liabilities.

			AMOUNTS SCHEDULED		
NAME OF SCHEDULE	Attached (Yes/No)	No. of Sheets	ASSETS	LIABILITIES	OTHER
A-Real Property	Yes	1	\$ 46,000.00		
B-Personal Property	Yes	3	\$ 3,179.00		
C-Property Claimed as Exempt	Yes	1			
D-Creditors Holding Secured Claims	Yes	1		\$ 55,542.46	
E-Creditors Holding Unsecured Priority Claims	Yes	1		\$ 0.00	
F-Creditors Holding Unsecured Nonpriority Claims	Yes	5		\$ 25,404.00	
G-Executory Contracts and Unexpired Leases	Yes	1			
H-Codebtors	Yes	1			
I-Current Income of Individual Debtor(s)	Yes	1			\$ 2,567.72
J-Current Expenditures of Individual Debtor(s)	Yes	1			\$ 2,377.00
Total Number of Sheets in All Schedules ►		16			
Total Assets ►			\$ 49,179.00		
Total Liabilities ►				\$ 80,946.46	

In re **Eliezer D. Rosario** / DebtorCase No. _____
(if known)**SCHEDULE A-REAL PROPERTY**

Except as directed below, list all real property in which the debtor has any legal, equitable, or future interest, including all property owned as a cotenant, community property, or in which the debtor has a life estate. Include any property in which the debtor holds rights and powers exercisable for the debtor's own benefit. If the debtor is married, state whether the husband, wife, or both own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor holds no interest in real property, write "None" under "Description and Location of Property."

Do not include interests in executory contracts and unexpired leases on this schedule. List them in Schedule G-Executory Contracts and Unexpired Leases.

If an entity claims to have a lien or hold a secured interest in any property, state the amount of the secured claim. See Schedule D. If no entity claims to hold a secured interest in the property, write "None" in the column labeled "Amount of Secured Claim."

If the debtor is an individual or if a joint petition is filed, state the amount of any exemption claimed in the property only in Schedule C-Property Claimed as Exempt.

Description and Location of Property	Nature of Debtor's Interest in Property	Current Market Value of Debtor's Interest, in Property Without Deducting any Secured Claim or Exemption	Amount of Secured Claim
		Husband--H Wife--W Joint--J Community--C	
295 Parkridge Ave., Buffalo, NY		\$ 46,000.00	\$ 46,000.00
TOTAL \$		46,000.00	

No continuation sheets attached

(Report also on Summary of Schedules.)

In re **Eliezer D. Rosario**

/ Debtor

Case No. _____

(if known)

SCHEDULE B-PERSONAL PROPERTY

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "X" in the appropriate position in the column labeled "None." If additional space is needed in any category, attach a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether husband, wife, or both own property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor is an individual or a joint petition is filed, state the amount of any exemptions claimed only in Schedule C-Property Claimed as Exempt.

Do not list interests in executory contracts and unexpired leases on this schedule. List them in Schedule G-Executory Contracts and Unexpired Leases.

If the property is being held for the debtor by someone else, state that person's name and address under "Description and Location of Property."

Type of Property	None	Description and Location of Property	Husband--H Wife--W Joint--J Community--C	Current Market Value of Debtor's Interest, in Property Without Deducting any Secured Claim or Exemption
1. Cash on hand.	X			
2. Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.		(3) Bank of America Custodial Savings Accounts for children Location: In debtor's possession Bank of America Checking Account Location: In debtor's possession		\$ 30.00 \$ 28.00
3. Security deposits with public utilities, telephone companies, landlords, and others.	X			
4. Household goods and furnishings, including audio, video, and computer equipment.		Living Room Set, Dining Room Set, Bedroom Sets, (2) TV's, & Home Entertainment Center Location: In debtor's possession Misc. CD Collection Location: In debtor's possession Stereo Equipment Location: In debtor's possession		\$ 2,000.00 \$ 15.00 \$ 40.00
5. Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.				
6. Wearing apparel.		Clothing Location: In debtor's possession		\$ 200.00
7. Furs and jewelry.		Misc. Jewelry Location: In debtor's possession Wedding Band Location: In debtor's possession		\$ 25.00 \$ 20.00

In re Eliezer D. Rosario / DebtorCase No. _____
(if known)**SCHEDULE B-PERSONAL PROPERTY**

(Continuation Sheet)

Type of Property	None	Description and Location of Property	Husband--H Wife--W Joint--J Community--C	Current Market Value of Debtor's Interest, in Property Without Deducting any Secured Claim or Exemption
8. Firearms and sports, photographic, and other hobby equipment.	X			
9. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.		<i>Term-Life Insurance Policy through employer (wife & children are beneficiaries)</i> <i>Location: In debtor's possession</i>		<i>\$ 1.00</i>
10. Annuities. Itemize and name each issuer.	X			
11. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Itemize.		<i>401(K) Pension Plan (not vested)</i> <i>Location: In debtor's possession</i>		<i>Unknown</i>
12. Stock and interests in incorporated and unincorporated businesses. Itemize.		<i>Non Vested Stock Options</i> <i>Location: In debtor's possession</i>		<i>\$ 0.00</i>
13. Interests in partnerships or joint ventures. Itemize.	X			
14. Government and corporate bonds and other negotiable and non-negotiable instruments.	X			
15. Accounts Receivable.	X			
16. Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.	X			
17. Other liquidated debts owing debtor including tax refunds. Give particulars.	X			
18. Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule of Real Property.	X			
19. Contingent and non-contingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	X			
20. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.	X			
21. Patents, copyrights, and other intellectual property. Give particulars.	X			
22. Licenses, franchises, and other general intangibles. Give particulars.	X			

In re Eliezer D. Rosario

/ Debtor

Case No. _____

(if known)

SCHEDULE B-PERSONAL PROPERTY

(Continuation Sheet)

Type of Property	None	Description and Location of Property	Husband--H Wife--W Joint--J Community--C	Current Market Value of Debtor's Interest, in Property Without Deducting any Secured Claim or Exemption
23. Automobiles, trucks, trailers and other vehicles.		<i>1992 Mazda 323 w/ 90,000 miles (titled to debtor but father-in-law drives) Location: In debtor's possession</i>		\$ 800.00
24. Boats, motors, and accessories.	X			
25. Aircraft and accessories.	X			
26. Office equipment, furnishings, and supplies.	X			
27. Machinery, fixtures, equipment and supplies used in business.	X			
28. Inventory.	X			
29. Animals.	X			
30. Crops - growing or harvested. Give particulars.	X			
31. Farming equipment and implements.	X			
32. Farm supplies, chemicals, and feed.	X			
33. Other personal property of any kind not already listed. Itemize.		<i>Misc. Hand Tools Location: In debtor's possession</i>		\$ 20.00
Total →				\$ 3,179.00

In re Eliezer D. Rosario / DebtorCase No. _____
(if known)**SCHEDULE C-PROPERTY CLAIMED AS EXEMPT**

Debtor elects the exemptions to which debtor is entitled under:

(Check one box)

☐ 11 U.S.C. § 522(b) (1): Exemptions provided in 11 U.S.C. § 522(d). Note: These exemptions are available only in certain states.☒ 11 U.S.C. § 522(b) (2): Exemptions available under applicable nonbankruptcy federal laws, state or local law where the debtor's domicile has been located for the 180 days immediately preceding the filing of the petition, or for a longer portion of the 180-day period than in any other place, and the debtor's interest as a tenant by the entirety or joint tenant to the extent the interest is exempt from process under applicable nonbankruptcy law.

Description of Property	Specify Law Providing each Exemption	Value of Claimed Exemption	Current Market Value of Property Without Deducting Exemptions
295 Parkridge Ave., Buffalo, NY	N.Y. Civ. Prac. Law and Rules §5206(a)	\$ 0.00	\$ 46,000.00
Living Room Set, Dining Room Set, Bedroom Sets, (2) TV's,	N.Y. Civ. Prac. Law and Rules §5205(a)(5)	\$ 2,000.00	\$ 2,000.00
Clothing	N.Y. Civ. Prac. Law and Rules §5205(a)	\$ 200.00	\$ 200.00
Wedding Band	N.Y. Civ. Prac. Law and Rules §5205(a)(6)	\$ 20.00	\$ 20.00
Term-Life Insurance Policy through employer (wife & children	N.Y. Ins.Law §3212(f)	\$ 1.00	\$ 1.00
401(K) Pension Plan (not vested)	N.Y. Debtor and Creditor Law §282(2)(e)	Unknown	Unknown
1992 Mazda 323 w/ 90,000 miles	N.Y. Debtor and Creditor Law §282(1)	\$ 800.00	\$ 800.00

In re Eliezer D. Rosario / DebtorCase No. _____
(if known)**SCHEDULE D-CREDITORS HOLDING SECURED CLAIMS**

State the name, mailing address, including zip code, and last four digits of any account number of all entities holding claims secured by property of the debtor as of the date of filing of the petition. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests. List creditors in alphabetical order to the extent practicable. If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column marked "Codebtor," include the entity on the appropriate schedule of creditors and complete Schedule H - Codebtors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedules. Report this total also on the Summary of Schedules.

☐ Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

Creditor's Name and Mailing Address Including Zip Code	C o d e b t o r	Date Claim was Incurred, Nature of Lien, and Description and Market Value of Property Subject to Lien	C o n t i n g e n t	U n l i q u i d a t e d	D i s p u t e d	Amount of Claim Without Deducting Value of Collateral	Unsecured Portion, if any
Account No: Creditor # : 1 Citimortgage P.O. Box 8003 S. Hackensack NJ 07606		2001-04 Mortgage 295 Parkridge Ave., Buffalo, NY Value: \$ 46,000.00				\$ 54,000.00	\$ 9,542.46
Account No: Creditor # : 2 City of Buffalo Street Dept. 65 Niagara Sq, Rm506 City Hall Buffalo NY 14240-0027		2003-04 Public User Fee 295 Parkridge Ave., Buffalo, NY Value: \$ 46,000.00				\$ 568.75	\$ 0.00
Account No: Creditor # : 3 City of Buffalo Water Dept. 281 Exchange Street, Rm 114 Buffalo NY 14204		2003-04 Water Charges 295 Parkridge Ave., Buffalo, NY Value: \$ 46,000.00				\$ 973.71	\$ 0.00
Account No:							

No continuation sheets attached

Subtotal \$	55,542.46
(Total of this page)	
Total \$	55,542.46

(Use only on last page. Report total also on Summary of Schedules)

In re Eliezer D. Rosario / DebtorCase No. _____
(if known)**SCHEDULE E-CREDITORS HOLDING UNSECURED PRIORITY CLAIMS**

A complete list of claims entitled to priority, listed separately by type of priority, is to be set forth on the sheets provided. Only holders of unsecured claims entitled to priority should be listed in this schedule. In the boxes provided on the attached sheets, state the name and mailing address, including zip code, and last four digits of the account number, if any, of all entities holding priority claims against the debtor or the property of the debtor, as of the date of the filing of the petition.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors and complete Schedule H - Codebtors. If a joint petition is filed, state whether husband, wife, both of them or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of claims listed on each sheet in the box labeled "Subtotal" on each sheet. Report the total of all claims listed on this Schedule E in the box labeled "Total" on the last sheet of the completed schedule. Repeat this total also on the Summary of Schedules.

☒ Check this box if debtor has no creditors holding unsecured priority claims to report on this Schedule E.

TYPES OF PRIORITY CLAIMS (Check the appropriate box(es) below if claims in that category are listed on the attached sheets)

☐ **Extensions of credit in an involuntary case**

Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee or the order for relief. 11 U.S.C. § 507(a)(2).

☐ **Wages, salaries, and commissions**

Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees and commissions owing to qualifying independent sales representatives up to \$4,925* per person earned within 90 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(3).

☐ **Contributions to employee benefit plans**

Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(4).

☐ **Certain farmers and fishermen**

Claims of certain farmers and fishermen, up to \$4,925* per farmer or fisherman, against the debtor, as provided in 11 U.S.C. § 507(a)(5).

☐ **Deposits by individuals**

Claims of individuals up to \$2,225* for deposits for the purchase, lease, or rental of property or services for personal, family, or household use, that were not delivered or provided. 11 U.S.C. § 507(a)(6).

☐ **Alimony, Maintenance or Support**

Claims of a spouse, former spouse, or child of the debtor, for alimony, maintenance, or support, to the extent provided in 11 U.S.C. § 507(a)(7).

☐ **Taxes and Certain Other Debts Owed to Governmental Units**

Taxes, custom duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C. § 507(a)(8).

☐ **Commitments to Maintain the Capital of an Insured Depository Institution**

Claims based on commitments to FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to maintain the capital of an insured depository institution. 11 U.S.C. § 507(a)(9).

*Amounts are subject to adjustment on April 1, 2007, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

No continuation sheets attached

In re Eliezer D. Rosario / DebtorCase No. _____
(if known)**SCHEDULE F-CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**

State the name, mailing address, including zip code, and last four digits of any account number, if any, of all entities holding unsecured claims without priority against the debtor or the property of the debtor, as of the date of filing of the petition. Do not include claims listed in Schedules D and E. If all creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedules. Report this total also on the Summary of Schedules.

☐ Check this box if debtor has no creditors holding unsecured nonpriority claims to report on this Schedule F.

Creditor's Name and Mailing Address including Zip Code	C o d e b t o r	Date Claim was Incurred, and Consideration for Claim. If Claim is Subject to Setoff, so State. H--Husband W--Wife J--Joint C--Community	C o n t i n g e n t	U n l i q u i d a t e d	D i s p u t e d	Amount of Claim
Account No: Creditor # : 1 Adelphia 355 Chicago St. Buffalo NY 14204		2003-04 Cable Bill				\$ 182.00
Account No: Representing: Adelphia		Credit Protection Assoc. 13355 Noel Rd. Dallas TX 75240				
Account No: Creditor # : 2 Bank of America P.O. Box 53132 Phoenix AZ 85072		2002-04 Credit Card Purchases				\$ 245.00
Account No: Representing: Bank of America		NCO Financial P.O. Box 41457 Philadelphia PA 19101				
Subtotal \$ (Total of this page) Total \$ (Report total also on Summary of Schedules)						427.00

4 continuation sheets attached

In re Eliezer D. Rosario / DebtorCase No. _____
(if known)**SCHEDULE F-CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**

(Continuation Sheet)

Creditor's Name and Mailing Address including Zip Code	C o d e b t o r	Date Claim was Incurred, and Consideration for Claim. If Claim is Subject to Setoff, so State.	C o n t i n g e n t	U n l i q u i d a t e d	D i s p u t e d	Amount of Claim
Account No: 6538 Creditor # : 3 Bank of America P.O. Box 53132 Phoenix AZ 85072		2000-04 Credit Card Purchases				\$ 884.00
Account No: 4599 Creditor # : 4 Capital One P.O. Box 85147 Richmond VA 23276		2001-04 Credit Card Purchases				\$ 977.00
Account No: Creditor # : 5 Capital One Auto Finance P.O. Box 1928 Tempe AZ 85280		2002-04 Auto Loan Deficiency				\$ 7,840.00
Account No: Creditor # : 6 Kenneth Pieri 111 Porter Ave., Ste. 266 Buffalo NY 14201		2003-04 Judgment				\$ 760.00
Account No: Creditor # : 7 Mark Pieri		1997-04 Judgment				\$ 1,535.00
Account No: Creditor # : 8 Millard Fillmore Hospital/OP P.O. Box 2330 Buffalo NY 14240		2002-04 Medical Bills				\$ 1,200.00

Sheet No. 1 of 4 continuation sheets attached to Schedule of
Creditors Holding Unsecured Nonpriority Claims**Subtotal \$**
(Total of this page)**13,196.00****Total \$**
(Report total also on Summary of Schedules)

In re Eliezer D. Rosario / DebtorCase No. _____
(if known)**SCHEDULE F-CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**

(Continuation Sheet)

Creditor's Name and Mailing Address including Zip Code	C o d e b t o r	Date Claim was Incurred, and Consideration for Claim. If Claim is Subject to Setoff, so State. H--Husband W--Wife J--Joint C--Community	C o n t i n g e n t	U n l i q u i d a t e d	D i s p u t e d	Amount of Claim
Account No: Creditor # : 9 National Fuel 6363 Main St. Williamsville NY 14221		2002-04 Utility Bills				\$ 911.00
Account No: Representing: National Fuel		Data-Track P.O. Box 1876 Williamsville NY 14231				
Account No: Representing: National Fuel		NCO Financial P.O. Box 41457 Philadelphia PA 19101				
Account No: Creditor # : 10 Niagara Mohawk P.O. Box 5026 Buffalo NY 14205		2002-04 Utility Bills				\$ 564.00
Account No: Representing: Niagara Mohawk		NCO Financial P.O. Box 41457 Philadelphia PA 19101				
Account No: Representing: Niagara Mohawk		Management Adjustment 515 Pennsylvania Ave. Fort Washington PA 19034				
Sheet No. 2 of 4 continuation sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims						Subtotal \$ (Total of this page) 1,475.00 Total \$ (Report total also on Summary of Schedules)

In re Eliezer D. Rosario / Debtor

Case No. _____

(if known)

SCHEDULE F-CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

Creditor's Name and Mailing Address including Zip Code	C o d e b t o r	Date Claim was Incurred, and Consideration for Claim. If Claim is Subject to Setoff, so State. H--Husband W--Wife J--Joint C--Community	C o n t i n g e n t	U n l i q u i d a t e d	D i s p u t e d	Amount of Claim
Account No: Creditor # : 11 Progressive P.O. Box 7247-0308 Philadelphia PA 19170		2002-04 Insurance				\$ 217.00
Account No: Representing: Progressive		NCO Financial P.O. Box 41457 Philadelphia PA 19101				
Account No: Creditor # : 12 Rural/Metro Med Services Church St. Sta PO Box 6674 New York NY 10249		2002-04 Medical Bills				\$ 296.00
Account No: Creditor # : 13 Sallie Mae 910 Harrison Ave. Panama City FL 32401		2002-04 Note Loan				\$ 1,272.00
Account No: Creditor # : 14 Sprint PCS P.O. Box 62071 Baltimore MD 21264		2001-04 Collection Account				\$ 531.00
Account No: Representing: Sprint PCS		RMA P.O. Box 105604 Atlanta GA 30348				

Sheet No. 3 of 4 continuation sheets attached to Schedule of
Creditors Holding Unsecured Nonpriority Claims**Subtotal \$**
(Total of this page)**2,316.00****Total \$**

(Report total also on Summary of Schedules)

In re Eliezer D. Rosario / DebtorCase No. _____
(if known)**SCHEDULE F-CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**

(Continuation Sheet)

Creditor's Name and Mailing Address including Zip Code	C o d e b t o r	Date Claim was Incurred, and Consideration for Claim. If Claim is Subject to Setoff, so State.	C o n t i n g e n t	U n l i q u i d a t e d	D i s p u t e d	Amount of Claim
Account No: Creditor # : 15 Summit Acceptance Corp.		2001-04 Auto Loan Deficiency				\$ 7,840.00
Account No: Creditor # : 16 Women's & Children's Hospital P.O. Box 2330 Buffalo NY 14240		2003-04 Medical Bills				\$ 150.00
Account No: Representing: Women's & Children's Hospital		Mercantile Adjustment Bureau P.O. Box 9315A Rochester NY 14604				
Account No: Representing: Women's & Children's Hospital		The Credit Bureau P.O. Box 31131 Rochester NY 14603				
Account No: 						
Account No: 						

Sheet No. 4 of 4 continuation sheets attached to Schedule of
Creditors Holding Unsecured Nonpriority Claims**Subtotal \$** **7,990.00**

(Total of this page)

Total \$ **25,404.00**

(Report total also on Summary of Schedules)

In re **Eliezer D. Rosario** / DebtorCase No. _____
(if known)**SCHEDULE G-EXECUTORY CONTRACTS AND UNEXPIRED LEASES**

Describe all executory contracts of any nature and all unexpired leases of real or personal property. Include any timeshare interests. State nature of debtor's interests in contract, i.e., "Purchaser," "Agent," etc. State whether debtor is the lessor or lessee of a lease. Provide the names and complete mailing addresses of all other parties to each lease or contract described.

NOTE: A party listed on this schedule will not receive notice of the filing of this case unless the party is also scheduled in the appropriate schedule of creditors.

☒ Check this box if the debtor has no executory contracts or unexpired leases.

Name and Mailing Address, including Zip Code, of other Parties to Lease or Contract	Description of Contract or Lease and Nature of Debtor's Interest. State whether Lease is for Nonresidential Real Property. State Contract Number of any Government Contract.

In re **Eliezer D. Rosario** / DebtorCase No. _____
(if known)**SCHEDULE H-CODEBTORS**

Provide the information requested concerning any person or entity, other than a spouse in a joint case, that is also liable on any debts listed by debtor in the schedules of creditors. Include all guarantors and co-signers. In community property states, a married debtor not filing a joint case should report the name and address of the nondebtor spouse on this schedule. Include all names used by the nondebtor spouse during the six years immediately preceding the commencement of this case.

☒ Check this box if the debtor has no codebtors.

Name and Address of Codebtor	Name and Address of Creditor

In re **Eliezer D. Rosario**

/ Debtor

Case No. _____

(if known)

SCHEDULE I-CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by a married debtor in a chapter 12 or 13 case whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.

Debtor's Marital Status: Married	DEPENDENTS OF DEBTOR AND SPOUSE	
	RELATIONSHIP	AGE
	Son	8 yrs
	Son	5 yrs
	Son	3 yrs
Son	5 mos	
EMPLOYMENT: DEBTOR		SPOUSE
Occupation Senior Representative		Unemployed
Name of Employer Bank of America		
How Long Employed 4 years		
Address of Employer 475 Cross Point Pkwy. Getzville NY 14068		
Income: (Estimate of average monthly income)		
Current Monthly gross wages, salary, and commissions (pro rate if not paid monthly)		
Estimated Monthly Overtime		
SUBTOTAL		
LESS PAYROLL DEDUCTIONS		
a. Payroll Taxes and Social Security		
b. Insurance		
c. Union Dues		
d. Other (Specify): 401(K) Pension Plan		
United Way		
SUBTOTAL OF PAYROLL DEDUCTIONS		
TOTAL NET MONTHLY TAKE HOME PAY		
Regular income from operation of business or profession or farm (attach detailed statement)		
Income from Real Property		
Interest and dividends		
Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above.		
Social Security or other government assistance		
Specify:		
Pension or retirement income		
Other monthly income		
Specify: Monthly avg. of tax refund		
TOTAL MONTHLY INCOME		
TOTAL COMBINED MONTHLY INCOME \$ 2,567.72		
(Report also on Summary of Schedules)		

Describe any increase or decrease of more than 10% in any of the above categories anticipated to occur within the year following the filing of this document:

In re Eliezer D. Rosario / DebtorCase No. _____
(if known)**SCHEDULE J-CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR**

Complete this schedule by estimating the average expenses of the debtor and the debtor's family. Pro rate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate.

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

Rent or home mortgage payment (include lot rented for mobile home)	\$	587.00
Are real estate taxes included? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Is property insurance included? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Utilities: Electricity and heating fuel	\$	250.00
Water and sewer	\$	30.00
Telephone	\$	45.00
Other Cable	\$	55.00
Other	\$	0.00
Other	\$	0.00
Home maintenance (Repairs and upkeep)	\$	50.00
Food	\$	650.00
Clothing	\$	150.00
Laundry and dry cleaning	\$	10.00
Medical and dental expenses	\$	50.00
Transportation (not including car payments)	\$	175.00
Recreation, clubs and entertainment, newspapers, magazines, etc.	\$	125.00
Charitable contributions	\$	0.00
Insurance (not deducted from wages or included in home mortgage payments)		
Homeowner's or renter's	\$	0.00
Life	\$	0.00
Health	\$	0.00
Auto	\$	200.00
Other	\$	0.00
Other	\$	0.00
Other	\$	0.00
Taxes (not deducted from wages or included in home mortgage)		
Specify:	\$	0.00
Installment payments: (in chapter 12 and 13 cases, do not list payments to be included in the plan)		
Auto	\$	0.00
Other:	\$	0.00
Other:	\$	0.00
Other:	\$	0.00
Alimony, maintenance, and support paid to others	\$	0.00
Payments for support of additional dependents not living at your home	\$	0.00
Regular expenses from operation of business, profession, or farm (attach detailed statement)	\$	0.00
Other:	\$	0.00
Other:	\$	0.00
Other:	\$	0.00
TOTAL MONTHLY EXPENSES (Report also on Summary of Schedules)	\$	2,377.00

(FOR CHAPTER 12 AND 13 DEBTORS ONLY)

Provide the information requested below, including whether plan payments are to be made bi-weekly, monthly, annually, or at some other regular interval.

A. Total projected monthly income	\$	2,567.72
B. Total projected monthly expenses	\$	2,377.00
C. Excess income (A minus B)	\$	190.72
D. Total amount to be paid into plan each: 2/Month	\$	93.09

In re Eliezer D. Rosario / Debtor Case No. _____
(if known)

DECLARATION CONCERNING DEBTOR'S SCHEDULES

DECLARATION UNDER PENALTY OF PERJURY BY AN INDIVIDUAL DEBTOR

I declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of 17 sheets, and that they are true and correct to the best of my knowledge, information and belief.

Date: 9-1-04

Signature

Eliezer D. Rosario

UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF NEW YORK

In re **Eliezer D. Rosario**Case No.
Chapter **13**

_____/ Debtor

STATEMENT OF FINANCIAL AFFAIRS

This statement is to be completed by every debtor. Spouses filing a joint petition may file a single statement on which the information for both spouses is combined. If the case is filed under chapter 12 or chapter 13, a married debtor must furnish information for both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. An individual debtor engaged in business as a sole proprietor, partner, family farmer, or self-employed professional, should provide the information requested on this statement concerning all such activities as well as the individual's personal affairs.

Questions 1-18 are to be completed by all debtors. Debtors that are or have been in business, as defined below, also must complete Questions 19-25. If the answer to any question is "None," or the question is not applicable, mark the box labeled "None." If additional space is needed for the answer to any question, use and attach a separate sheet properly identified with the case name, case number (if known), and the number of the question.

DEFINITIONS

"In business." A debtor is "in business" for the purpose of this form if the debtor is a corporation or partnership. An individual debtor is "in business" for the purpose of this form if the debtor is or has been, within the six years immediately preceding the filing of this bankruptcy case, any of the following: an officer, director, managing executive, or owner of 5 percent or more of the voting or equity securities of a corporation; a partner, other than a limited partner, of a partnership; a sole proprietor or self-employed.

"Insider." The term "insider" includes but is not limited to: relatives of the debtor; general partners of the debtor and their relatives; corporations of which the debtor is an officer, director, or person in control; officers, directors, and any owner of 5 percent or more of the voting or equity securities of a corporation debtor and their relatives; affiliates of the debtor and insiders of such affiliates; any managing agent of the debtor. 11 U.S.C. §101.

1. Income from employment or operation of business.

State the gross amount of income the debtor has received from employment, trade, or profession, or from operation of the debtor's business from the beginning of this calendar year to the date this case was commenced. State also the gross amounts received during the two years immediately preceding this calendar year. (A debtor that maintains, or has maintained, financial records on the basis of a fiscal rather than a calendar year may report fiscal year income. Identify the beginning and ending dates of the debtor's fiscal year.) If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income of both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT

SOURCE (if more than one)

Year to date:

\$25,000.00approx

Last Year: \$41,701.00

Year before: \$29,098.00

Employment Income

2. Income other than from employment or operation of business.

State the amount of income received by the debtor other than from employment, trade, profession, or operation of the debtor's business during the two years immediately preceding the commencement of this case. Give particulars. If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income for each spouse whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

☒ NONE

3. Payments to creditors.

a. List all payments on loans, installment purchases of goods or services, and other debts, aggregating more than \$600 to any creditor, made within 90 days immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

☒ NONE

b. List all payments made within one year immediately preceding the commencement of this case to or for the benefit of creditors who are or were insiders. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

☒ NONE**4. Suits and administrative proceedings, executions, garnishments and attachments.**

a. List all suits and administrative proceedings to which the debtor is or was a party within one year immediately preceding the filing of this bankruptcy case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

<u>CAPTION OF SUIT AND CASE NUMBER</u>	<u>NATURE OF PROCEEDING</u>	<u>COURT OR AGENCY AND LOCATION</u>	<u>STATUS OR DISPOSITION</u>
Kenneth Pieri vs Debtor Claim No. SC-66594-A	Debt Collection	Buffalo City Court	Judgment Entered

b. Describe all property that has been attached, garnished or seized under any legal or equitable process within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

☒ NONE**5. Repossessions, foreclosures and returns.**

List all property that has been repossessed by a creditor, sold at a foreclosure sale, transferred through a deed in lieu of foreclosure or returned to the seller, within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

<u>NAME AND ADDRESS OF CREDITOR OR SELLER</u>	<u>DATE OF REPOSSESSION FORECLOSURE SALE, TRANSFER OR RETURN</u>	<u>DESCRIPTION AND VALUE OF PROPERTY</u>
Name: Capital One Auto Finance Address:	Sept. 2003	Description: 1999 Dodge Intrepid Value: \$7,800.00 (balance owed)

6. Assignments and receiverships.

a. Describe any assignment of property for the benefit of creditors made within 120 days immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include any assignment by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

☒ NONE

b. List all property which has been in the hands of a custodian, receiver, or court-appointed official within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

☒ NONE

7. Gifts.

List all gifts or charitable contributions made within one year immediately preceding the commencement of this case except ordinary and usual gifts to family members aggregating less than \$200 in value per individual family member and charitable contributions aggregating less than \$100 per recipient. (Married debtors filing under chapter 12 or chapter 13 must include gifts or contributions by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

☒ NONE
8. Losses.

List all losses from fire, theft, other casualty or gambling within one year immediately preceding the commencement of this case or since the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include losses by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

☒ NONE
9. Payments related to debt counseling or bankruptcy.

List all payments made or property transferred by or on behalf of the debtor to any persons, including attorneys, for consultation concerning debt consolidation, relief under the bankruptcy law or preparation of a petition in bankruptcy within one year immediately preceding the commencement of this case.

<u>NAME AND ADDRESS OF PAYEE</u>	<u>DATE OF PAYMENT, NAME OF PAYOR IF OTHER THAN DEBTOR</u>	<u>AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY</u>
Payee: Peter D. Grubea Address: 69 Delaware Ave., Suite 1006 Buffalo, NY 14202	Date of Payment: Payor: Eliezer D. Rosario	\$100.00

10. Other transfers.

List all other property, other than property transferred in the ordinary course of the business or financial affairs of the debtor, transferred either absolutely or as security within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include transfers by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

☒ NONE
11. Closed financial accounts.

List all financial accounts and instruments held in the name of the debtor or for the benefit of the debtor which were closed, sold, or otherwise transferred within one year immediately preceding the commencement of this case. Include checking, savings, or other financial accounts, certificates of deposit, or other instruments; shares and share accounts held in banks, credit unions, pension funds, cooperatives, associations, brokerage houses and other financial institutions. (Married debtors filing under chapter 12 or chapter 13 must include information concerning accounts or instruments held by or for either or both spouses whether or not a joint petition is filed, unless spouses are separated and a joint petition is not filed.)

<u>NAME AND ADDRESS OF INSTITUTION</u>	<u>TYPE OF ACCOUNT, LAST FOUR DIGITS OF ACCOUNT NUMBER AND AMOUNT OF FINAL BALANCE</u>	<u>AMOUNT AND DATE OF SALE OR CLOSING</u>
Institution: KeyBank Address:	Account Type and No.: Checking Account Final Balance: \$0.00	March 2004

12. Safe deposit boxes.

List each safe deposit or other box or depository in which the debtor has or had securities, cash, or other valuables within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include boxes or depositories of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

☒ NONE
13. Setoffs.

List all setoffs made by any creditor, including a bank, against a debt or deposit of the debtor within 90 days preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

☒ NONE

14. Property held for another person.

List all property owned by another person that the debtor holds or controls.

☒ NONE

15. Prior address of debtor.

If the debtor has moved within the two years immediately preceding the commencement of this case, list all premises which the debtor occupied during that period and vacated prior to the commencement of this case. If a joint petition is filed, report also any separate address of either spouse.

☒ NONE

16. Spouses and Former Spouses

If the debtor resides or resided in a community property state, commonwealth or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within the six-year period immediately preceding the commencement of the case, identify the name of the debtor's spouse and of any former spouse who resides or resided with the debtor in the community property state.

☒ NONE

17. Environmental Information

For the purpose of this question, the following definitions apply:

"Environmental Law" means any federal, state, or local statute or regulation regulating pollution, contamination, release of hazardous or toxic substances, wastes or material into the air, land, soil, surface water, groundwater, or other medium, including, but not limited to, statutes or regulations regulating the cleanup of these substances, wastes, or material.

"Site" means any location, facility, or property as defined under any Environmental Law, whether or not presently or formerly owned or operated by the debtor, including, but not limited to disposal sites.

"Hazardous Material" means anything defined as hazardous waste, hazardous substance, toxic substance, hazardous material, pollutant, or contaminant or similar term under and Environmental Law:

a. List the name and address of every site for which the debtor has received notice in writing by a governmental unit that it may be liable or potentially liable under or in violation of an Environmental Law. Indicate the governmental unit, the date of the notice, and, if known, the Environmental Law:

☒ NONE

b. List the name and address of every site for which the debtor provided notice to a governmental unit of a release of Hazardous Material. Indicate the governmental unit to which the notice was sent and the date of the notice.

☒ NONE

c. List all judicial or administrative proceedings, including settlements or orders, under any Environmental Law, with respect to which the debtor is or was a party. Indicate the name and address of the governmental unit that is or was a party to the proceeding, and the docket number.

☒ NONE

18. Nature, location and name of business

a. If the debtor is an individual, list the names, addresses, taxpayer identification numbers, nature of the businesses and beginning and ending dates of all businesses in which the debtor was an officer, director, partner, or managing executive of a corporation, partnership, sole proprietorship, or was a self-employed professional within the six years immediately preceding the commencement of this case, or in which the debtor owned 5 percent or more of the voting or equity securities within the six years immediately preceding the commencement of this case

If the debtor is a partnership, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities within the six years immediately preceding the commencement of this case.

If the debtor is a corporation, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities, within the six years immediately preceding the commencement of this case.

☒ NONE

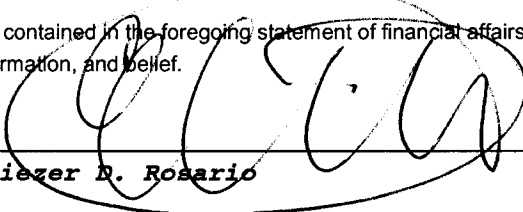
b. Identify any business listed in response to subdivision a., above, that is "single asset real estate" as defined in 11 U.S.C. § 101.

☒ NONE

DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR

I declare under penalty of Perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto and that they are true and correct to the best of my knowledge, information, and belief.

Date 9-1-04

Signature 
Eliezer D. Rosario

Date _____

Signature _____

Penalty for making a false statement: Fine of up to \$500,000 or imprisonment for up to 5 years or both, 18 U.S.C. § 152 and § 3571.

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

In re *Eliezer D. Rosario*

Case No.
Chapter **13**
/ Debtors

Attorney for Debtor: *Peter D. Grubea*

CHAPTER 13 PLAN

1. FUNDING OF PLAN

The debtor shall commit the following future earnings, property, or other income to the custody and control of the standing trustee to fund the chapter 13 plan:

Debtor's Net Monthly Income:

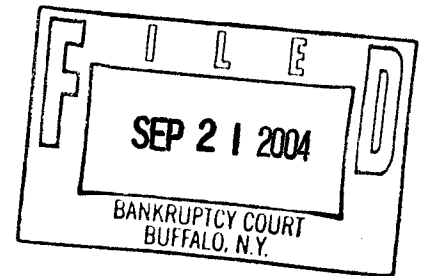
Debtor's Monthly Take Home: \$	\$	2,567.72
Less Expenses:	\$	2,377.00
SURPLUS:	\$	190.72

Plan Payment:

The debtor(s) to pay: \$ **93.09** *semimonthly* for **120** *Periods*
Total Payments: \$ **11,170.80**

2. DURATION

It is proposed that payments shall be made over a period of **60** months.



3. PAYMENTS TO THE TRUSTEE SHALL BE MADE FROM

- ☐ Direct Payments from Debtor(s)
☒ Debtor's Employer

Name of Employer: **Bank of America**
Address: **475 Cross Point Pkwy.**
Getzville NY 14068

From the payments so received, the trustee shall make disbursements as follows:

4. ADMINISTRATIVE COSTS

Trustee's Compensation: **10.00** %

Attorney's Fee

Prepaid Portion	\$	100.00
Pay Through Plan	\$	1,400.00
Total Attorney Fee	\$	1,500.00

5. PAYMENTS TO PRIORITY CLAIMS

The debtor shall make full payment in deferred cash payments of all claims entitled to priority under 11 U.S.C. 507, as follows:

None

6. PAYMENTS TO SECURED CLAIMS

Holders of allowed secured claims shall retain the liens securing such claims and shall be paid as shown.

Payments towards deficiencies on undersecured claims are listed with the Unsecured Claims. Payments towards arrearages on fully secured claims are listed under Arrearages.

<u>CREDITOR</u>		<u>AMOUNT CLAIMED</u>	<u>INTEREST RATE</u>	<u>VALUE OF COLLATERAL</u>
<i>City of Buffalo Street Dept.</i>	\$	568.75	8.00 %	\$ 46,000.00
<i>City of Buffalo Water Dept.</i>	\$	973.71	8.00 %	\$ 46,000.00

7. ARREARAGES ON SECURED CLAIMS

<u>CREDITOR</u>	<u>ARREARAGE</u>	<u>INTEREST RATE</u>
<i>Citimortgage</i>	\$ 4,500.00	8.00 %

8. PROPERTIES TO BE SURRENDERED

The debtor shall surrender the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy such a creditor's claim, the creditor shall hold a nonpriority, unsecured claim.

None

9. LIEN AVOIDANCE

The following liens shall be avoided pursuant to 11 U.S.C. 522(f), or other applicable sections of the Bankruptcy Code:

None

10. PAYMENTS TO GENERAL UNSECURED CLAIMS

General unsecured claims shall be paid pro rata at 5.00 % of their claims, after all other claims are paid. Unsecured claims shall receive not less than the amount that would be paid on each claim if the estate were liquidated under Chapter 7.

11. EXECUTORY CONTRACTS

The following executory contracts of the debtor are accepted:

None

The following executory contracts of the debtor are rejected:

None

12. DIRECT MORTGAGE PAYMENTS

The debtor shall make regular mortgage payments directly to the following creditors:

<u>CREDITOR</u>	<u>MONTHS</u>	<u>MONTHLY PAYMENT</u>	<u>TOTAL PAYMENT</u>
<i>Citimortgage</i>	<i>1 - 99</i>	<i>\$ 587.00</i>	<i>\$ 58,113.00</i>

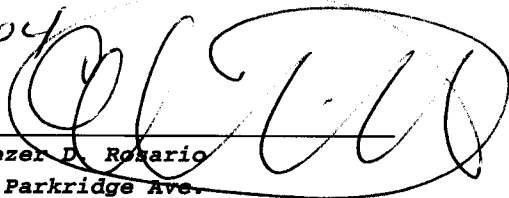
13. OTHER PROVISIONS

14. REVESTMENT

Upon confirmation of the Plan, all property of the estate shall vest in the debtor pursuant to 11 U.S.C. 350 (or possibly 11 U.S.C. 1327(b)). The debtor shall remain in possession of all property of the estate during the pendency of this case unless specifically provided herein (11 U.S.C. 1306(b)). All secured creditors shall retain the liens securing their claims unless otherwise stated.

DATED:

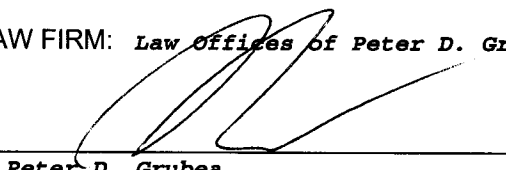
9-1-04



DEBTOR: Eliezer D. Rosario
295 Parkridge Ave.
Buffalo NY 14215

NAME OF LAW FIRM: Law Offices of Peter D. Grubea

ATTORNEY:



Peter D. Grubea
69 Delaware Ave., Suite 1006
Buffalo NY 14202
(716) 853-1366

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re **Eliezer D. Rosario**

Case No.
Chapter **13**

_____/ Debtor
Attorney for Debtor: **Peter D. Grubea**

STATEMENT PURSUANT TO RULE 2016(B)

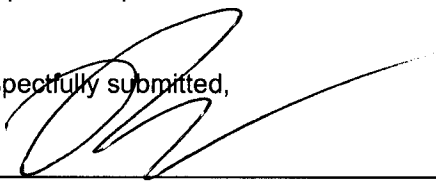
The undersigned, pursuant to Rule 2016(b), Bankruptcy Rules, states that:

1. The undersigned is the attorney for the debtor(s) in this case.
2. The compensation paid or agreed to be paid by the debtor(s), to the undersigned is:
 - a) For legal services rendered or to be rendered in contemplation of and in connection with this case \$ 1,500.00
 - b) Prior to the filing of this statement, debtor(s) have paid \$ 100.00
 - c) The unpaid balance due and payable is \$ 1,400.00
3. \$ 194.00 of the filing fee in this case has been paid.
4. The Services rendered or to be rendered include the following:
 - a) Analysis of the financial situation, and rendering advice and assistance to the debtor(s) in determining whether to file a petition under title 11 of the United States Code.
 - b) Preparation and filing of the petition, schedules, statement of financial affairs and other documents required by the court.
 - c) Representation of the debtor(s) at the meeting of creditors.
5. The source of payments made by the debtor(s) to the undersigned was from earnings, wages and compensation for services performed, and
None other
6. The source of payments to be made by the debtor(s) to the undersigned for the unpaid balance remaining, if any, will be from earnings, wages and compensation for services performed, and
None other
7. The undersigned has received no transfer, assignment or pledge of property from debtor(s) except the following for the value stated:
None
8. The undersigned has not shared or agreed to share with any other entity, other than with members of undersigned's law firm, any compensation paid or to be paid except as follows:
None

Dated:

9/15/04

Respectfully submitted,


X_____
Attorney for Petitioner: **Peter D. Grubea**
Law Offices of Peter D. Grubea
69 Delaware Ave., Suite 1006
Buffalo NY 14202

Citimortgage
P.O. Box 8003
S. Hackensack, NJ 07606

City of Buffalo Street Dept.
65 Niagara Sq, Rm506 City Hall
Buffalo, NY 14240-0027

City of Buffalo Water Dept.
281 Exchange Street, Rm 114
Buffalo, NY 14204

Adelphia
355 Chicago St.
Buffalo, NY 14204

Bank of America
P.O. Box 53132
Phoenix, AZ 85072

Capital One
P.O. Box 85147
Richmond, VA 23276

Capital One Auto Finance
P.O. Box 1928
Tempe, AZ 85280

Credit Protection Assoc.
13355 Noel Rd.
Dallas, TX 75240

Data-Track
P.O. Box 1876
Williamsville, NY 14231

Kenneth Pieri
111 Porter Ave., Ste. 266
Buffalo, NY 14201

Management Adjustment
515 Pennsylvania Ave.
Fort Washington, PA 19034

Mark Pieri

Mercantile Adjustment Bureau
P.O. Box 9315A
Rochester, NY 14604

Millard Fillmore Hospital/OP
P.O. Box 2330
Buffalo, NY 14240

National Fuel
6363 Main St.
Williamsville, NY 14221

NCO Financial
P.O. Box 41457
Philadelphia, PA 19101

Niagara Mohawk
P.O. Box 5026
Buffalo, NY 14205

Progressive
P.O. Box 7247-0308
Philadelphia, PA 19170

RMA
P.O. Box 105604
Atlanta, GA 30348

Rural/Metro Med Services
Church St. Sta PO Box 6674
New York, NY 10249

Sallie Mae
910 Harrison Ave.
Panama City, FL 32401

Sprint PCS
P.O. Box 62071
Baltimore, MD 21264

Summit Acceptance Corp.

The Credit Bureau
P.O. Box 31131
Rochester, NY 14603

Women's & Children's Hospital
P.O. Box 2330
Buffalo, NY 14240